

Honorable James Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON, SEATTLE

UNITED STATES OF AMERICA,)	No. CR19-117 JLR
)	
Plaintiff,)	DEFENSE MOTION FOR
v.)	EVIDENTIARY HEARING ON
)	DISMISSAL MOTION
)	
SHAWNA REID,)	
)	
Defendant.)	
_____)	

In aid of its pending motion to dismiss (dkt. #125), the defense moves for an evidentiary hearing to determine the circumstances surrounding the audio recording of Shawna Reid's grand jury testimony.

On July 2, 2021, the defense filed a motion to dismiss after learning the previous day that the government possessed a tape recording of Shawna Reid's grand jury testimony. The tape recording had not been sent to the defense or even revealed in violation of the mandatory requirements of FRCP 16(a) (iii) and the local rules. When the government advised that the tape recording existed, it did not state who made the recording or when the government became aware that the recording existed. As of this writing, the government has not responded to the motion to dismiss.

On July 5, 2021, in response to an inquiry sent the defense on July 4, 2021, the prosecutors advised by email that the tape recording had been made by the court reporter. The prosecutors also said that they had not listened yet to the audio recording. On the afternoon of July 5, 2021, the defense was provided with a copy of the audio recording.

To better inform the court and the defense, a hearing would illuminate the reason for the recording, the person(s) authorizing the recording, the time when the government first learned of it, reasons why the defense was not informed of the recording until July 1, 2021, and all other matters pertaining to the actions of the government concerning its discovery obligations.

Respectfully submitted this 6th day of July, 2021.

/s/ Michael Nance WSBA #13933

/s/ Robert Gombiner, WSBA #16059

Attorneys for Shawna Reid

Certificate of service

I hereby certify that on the 6th day of July, 2021, I electronically filed the foregoing with the clerk of the court using the CM/ECF system. Notice of this filing will be sent electronically to counsel for other parties of record.

/s/ Michael Nance